

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

LEONARDO DOMINGUEZ,

FILED: March 25, 2002

Appellant,

C.A. No. 01-2161

VS.

RHODE ISLAND DEPARTMENT
OF HUMAN SERVICES,

Appellee.

DECISION

SHEEHAN, J. This is an administrative appeal from the April 5, 2001 decision of the Rhode Island Department of Human Services (“DHS”), which denied Leonardo Dominguez (“Appellant”) his application for general public assistance (“GPA”) provided for in Chapter 6 of Title 40. Jurisdiction is pursuant to G.L. 1956 § 42-35-15.

Facts and Travel of the Case

The Appellant suffers from a condition known as “left foot tarsal tunnel syndrome.” Prior to the GPA application in issue, the Appellant applied for and received GPA based upon his need to recuperate from surgery on his left foot. After a year of receiving GPA, the Appellant timely re-applied to DHS for a continuation of his benefits as required by § 40-6-3.1(4). The Appellant alleges he is deserving of GPA because his medical condition still prevents him from working on either a full or part-time basis. Section 40-6-3.1(b)(2) provides that an applicant, in addition to other eligibility factors, must have “. . . an illness, injury or medical condition as determined by physical examination by a licensed physician, that is reasonably expected to last for . . . at least thirty days . . . *and which precludes the individual from working.*” (Emphasis added.)